

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

A.H.,

Plaintiff,

v.

WYNN LAS VEGAS, LLC, et al.,

Defendants.

Case No. 2:24-cv-01041-GMN-NJK

Order

[Docket No. 56]

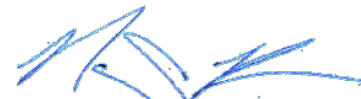
The instant case was removed to this Court on June 3, 2024. Docket No. 1. On August 23, 2024, after the parties failed to timely file a stipulated discovery plan, the Court ordered them to do so, no later than September 6, 2024. Docket No. 54. On September 6, 2024, two weeks after the Court's order, and the day the discovery plan was due, the parties filed a stipulation to stay discovery pending the resolution of certain motions to dismiss. Docket No. 56.

The parties' stipulation fails to address the proper standards for requesting a stay of discovery. *See Flynn v. Nevada*, 345 F.R.D. 338 (D.Nev. 2024). "The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). Discovery should proceed absent a "strong showing" to the contrary. *Turner Broadcasting Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). The case law makes clear that requests to stay discovery may be granted when: (1) the underlying motion is potentially dispositive in scope and effect; (2) the underlying motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the underlying motion and is convinced that the plaintiff will be unable to prevail. *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013). The Court is guided in its analysis by the objectives in Rule 1 to secure a just, speedy, and inexpensive determination of cases. *Tradebay*, 278 F.R.D. at 602.

1 Accordingly, as the parties have failed to comply with the relevant standards, their
2 stipulation to stay discovery is **DENIED** without prejudice. Docket No. 56. No later than
3 September 10, 2024, the parties must file a joint proposed discovery plan.

4 IT IS SO ORDERED.

5 Dated: September 6, 2024.

6
7 

8 NANCY J. KOPPE
9 UNITED STATES MAGISTRATE JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28